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EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

NOTIFICATION DATE

DELIVERY MODE

06/23/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/621,524

Applicant(s)

HAN, MONG JU

Examiner

DAVID LAZARO

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 27-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the RCE filed 3/14/08.
2. Claims 1, 3-7, 9, 12, 13, 18 and 19 were amended.
3. Claims 21-26 are canceled.
4. Claims 27 and 28 are newly added.
5. Claims 1-20 and 27-28 are pending in this office action.

Response to Amendment/Arguments

6. Applicant's arguments with respect to claims 1-20 and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 1 states the limitation "a memory configured to store the e-mail data, **the e-mail message data, and the audio data**" (emphasis added). It is not distinctly clear as to what is specifically being referenced by the emphasized claim language.

Claim Rejections - 35 USC § 102

Art Unit: 2155

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5, 27 and 28 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,647,002 by Brunson (Brunson).

12. With respect to claims 1, 27 and 28, Brunson teaches an apparatus (and corresponding method) for converting an-e-mail (electronic mail) data into audio data, comprising:

a communication connector connected to a communication line (Col. 5 lines 14-34: synchronizer) and comprising:

a controller configured to control a conversion of received e-mail data into e-mail message header data, e-mail content data and e-mail attachment-type data (Col. 9 lines 42-65 and Col. 14 line 1- Col. 16 line 57: system recognizes email data as header, body and attachment data), and

an audio data generator configured to convert the e-mail message header data, e-mail content data and e-mail attachment-type data into an audio signal including corresponding audio header data, audio content data and audio attachment-type identifier data (Col. 14 line 1- Col. 16 line 57 : email header data is converted to corresponding audio header data - col. 14 lines 1-62, same happens for content - col.

Art Unit: 2155

14 line 63 - col. 16 line 44 - and attachment data - col. 16 lines 44-57) and to transmit the audio data to a client through the communication connector upon a client request (Col. 2 lines 61-65), the audio attachment-type identifier data being an announcement of the existence and type of an attachment to the email (Col. 16 lines 46-57 and Fig. 18); and

a memory configured to store the e-mail data, the e-mail message data, and the audio data (see Fig. 1 - Memory 14).

13. With respect to claim 2, Brunson further teaches an e-mail client program installed system (Col. 4 lines 51-63).

14. With respect to claim 3, Brunson further teaches a video unit configured to process the e-mail message data; and a display unit configured to display the e-mail message data processed by the video unit (Col. 4 lines 51-63 email user terminals).

15. With respect to claim 4, Brunson further teaches wherein the plural attachment types comprise an image-type attachment, a video-type attachment, an audio-type attachment, and an email-type attachment (Fig. 17 and Col. 17 lines 7-10).

16. With respect to claim 5, Brunson further teaches wherein the email message header information identifies the sender's name, a sending data and a subject of the e-mail (Col. 14 lines 1-28).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2155

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of U.S. Patent 5,632,002 by Hashimoto et al. (Hashimoto).

19. With respect to claim 6, while Brunson is directed towards a user accessing and retrieving information from an electronic messaging system (Col. 2 lines 51-67), Brunson does not explicitly disclose wherein the controller is further configured to identify a total number of e-mails received by the apparatus and audio generator is configured to generate a corresponding audio message to send to the client.

Hashimoto teaches a controller that identifies a total number of e-mails received by the apparatus and audio generator is configured to generate a corresponding audio message to send to the client (Col. 51 lines 40-49).

It would have been obvious to one of ordinary skill in the art to identify a total number of emails and generate a corresponding audio message as disclosed by Hashimoto in the electronic messaging system of Brunson. Using the known technique of identifying a total number of emails and generating a corresponding audio message to provide mailbox information as desired by Brunson would have been obvious to one of ordinary skill in the art.

20. With respect to claim 7, while Brunson teaches support for other message headers (Col. 17 lines 10-13), Brunson does not explicitly disclose wherein the email data further includes gender information and the audio data generator is configured to generate the audio signal in a male voice that is not a sender's voice if the gender

Art Unit: 2155

information identifies that the sender of the e-mail is a male, and to generate the audio signal in a female voice that is not the sender's if the gender information identifies that the sender of the e-mail is a female.

Hashimoto teaches wherein the email data further includes gender information and the audio data generator is configured to generate the audio signal in a male voice that is not a sender's voice if the gender information identifies that the sender of the e-mail is a male, and to generate the audio signal in a female voice that is not the sender's if the gender information identifies that the sender of the e-mail is a female (Col. 49 line 64 - Col. 50 line 51).

It would have been obvious to one of ordinary skill in the art to use the gender information and the gendered audio signals as disclosed in Hashimoto in the electronic messaging system taught by Brunson. Using the known technique of gender information and generation of audio signals based on the gender information to provide message information as desired by Brunson would have been obvious to one of ordinary skill in the art.

21. With respect to claim 8, Brunson further teaches wherein the male voice is also not of a receiver of the e-mail, and the female voice is also not of a receiver of the e-mail (In Hashimoto: Col. 49 line 64 - Col. 50 line 51).

22. With respect to claim 9, Brunson teaches a method for converting e-mail data into audio data, comprising the steps of:

receiving an e-mail (Col. 5 lines 13-23);

Art Unit: 2155

storing the received e-mail as e-mail message header data, e-mail content data and e-mail attachment-type data (Col. 9 lines 42-65 and Col. 14 line 1- Col. 16 line 57: system can recognize email data as header, body and attachment data);

receiving a request to retrieve the email (Col. 2 lines 61-65);

converting the e-mail message header data, e-mail content data and e-mail attachment-type data to audio header data, audio content data and audio attachment-type identifier data, the audio attachment-type identifier data being an announcement of the existence and type of an attachment to the email (Col. 14 line 1- Col. 16 line 57 : email header data is converted to corresponding audio header data - col. 14 lines 1-62, same happens for content - col. 14 line 63 - col. 16 line 44 - and attachment data - col. 16 lines 44-57);

saving in a memory the audio header data, audio content data and audio attachment-type identifier (see Fig. 1 - Memory 14); and

transmitting the audio header data, audio content data and audio attachment-type identifier data to the client as an audio signal (Col. 2 lines 61-65).

Brunson does not explicitly disclose verifying a requestor's identification. Hashimoto teaches the verification of a requestor's identification when a request to retrieve email is received (Col. 55 lines 38-50: user verification based on some identification technique).

It would have been obvious to one of ordinary skill in the art to use verification technique disclosed by Hashimoto to verify the email subscriber users of Brunson. Using the known verification technique as taught by Hashimoto to provide verification of

Art Unit: 2155

users retrieving emails in the system of Brunson would have been obvious to one of ordinary skill in the art.

23. With respect to claim 10, Brunson further teaches wherein in said audio converting and storing steps, identification information of the sender of the e-mail is checked and an audio conversion is implemented based on the checked result (In Hashimoto: Col. 49 line 63 - Col. 50 line 8).

24. With respect to claim 11, Brunson further teaches wherein the identifying step includes a step of judging whether there is an e-mail received after the client's identification has been identified (In Hashimoto: Col. 55 lines 38-50: user is verified before access is allowed).

25. With respect to claim 12, Brunson further teaches a step of transmitting a message indicating that the email is not received when the e-mail is not received (In Hashimoto: Col. 51 lines 40-49: system informs user of the number of emails received, which would include none).

26. With respect to claim 13, Brunson further teaches a step of referencing the sender of the e-mail in an address list (In Hashimoto: Col. 49 line 63 - Col. 50 line 8).

27. With respect to claim 14, Brunson further teaches wherein said identifying step is implemented using a telephone line or using a direct access to an e-mail service system (In Hashimoto: Col. 55 line 15-50).

28. With respect to claim 15, Brunson further teaches wherein said audio signal is generated based on the gender of the sender of the e-mail (In Hashimoto: Col. 49 line 63 - Col. 50 line 8).

Art Unit: 2155

29. With respect to claim 16, Brunson further teaches wherein said audio signal is generated in a male voice that is not the sender's if the gender information identifies that the sender of the e-mail is a male, and said audio signal is generated in a female voice that is not the sender's if the gender information identifies that the sender of the e-mail is a female (In Hashimoto: Col. 49 line 64 - Col. 50 line 8).

30. With respect to claim 17, Hashimoto further teaches wherein the male voice is also not of a receiver of the e-mail, and the female voice is also not of a receiver of the e-mail (In Hashimoto: Col. 49 line 64 - Col. 50 line 8: voices are synthesized voices).

31. With respect to claim 18, Brunson further teaches wherein the plural attachment types comprise an image-type attachment, a video-type attachment, an audio-type attachment, and an email-type attachment (In Brunson: Fig. 17 and Col. 17 lines 7-10).

32. With respect to claim 19, Brunson further teaches wherein the email message header information identifies the sender's name, a sending data and a subject of the e-mail (In Brunson: Col. 14 lines 1-28).

33. With respect to claim 20, Brunson further teaches wherein the e-mail message data further identifies a total number of e-mails directed to the client (In Hashimoto: Col. 51 lines 40-49).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2155

35. U.S. patent 5,479,411 by Klien. December 26, 1995. Discloses the conversion of email into voice and fax.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2155
June 18, 2008